

REMARKS

Claims 1-3, 5-12, 14, 15 and 17-22 were examined and reported in the Office Action. Claims 1-3, 5, 6, 11, 12, 14, 15, 21-22 are rejected. Claims 1, 5, 7 and 17 are amended. Claims 1-3, 5-12, 14-15 and 17-22 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §103(a)

It is asserted in the Office Action that claims 1-3, 5-6, 11-12, 14-15 and 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Application No. 10/750,602 by Lee et al ("Lee"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's amended claim 1 contains the limitations of

a data strobe buffering means for generating N number of align control signals based on a data strobe signal and an external clock signal, including a strobe signal divider for receiving the data

strobe signal to generate N number of the align control signals based on the data strobe signal sequence.

Lee discloses a synchronous 4-bit data sampling circuit having first and second pulse signal generators 31 and 32 for respectively generating two pulse signals. Lee, however, does not teach, disclose or suggest a data strobe buffering means including a strobe signal divider for receiving a date strobe signal to generate N number of align control signals based on a data strobe signal sequence. That is, Lee does not teach, disclose or suggest

a data strobe buffering means for generating N number of align control signals based on a data strobe signal and an external clock signal, including a strobe signal divider for receiving the data strobe signal to generate N number of the align control signals based on the data strobe signal sequence.

Since Lee does not teach, disclose or suggest all the limitations of Applicant's amended claim 1, as listed above, Applicant's amended claim 1 is not obvious over Lee since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claim 1, namely claims 2-3, 5-6, 11-12, 14-15 and 21-22, would also not be obvious over Lee for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 1-3, 5-6, 11-12, 14-15 and 21-22 is respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 7-10 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in proper form including all of the limitations of the base claim and any intervening claims within an independent claim. Applicant has amended claim 1 to include allowable limitations in claim 7 and 17.

Applicant respectfully asserts that claims 1-3, 5-12, 14-15 and 17-22, as they now stand, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-3, 5-12, 14-15 and 17-22, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: March 12, 2007

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

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Date: March 12, 2007